

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Optometry hereby gives Notice of Intended Action to amend Chapter 180, “Licensure of Optometrists,” Chapter 181, “Continuing Education for Optometrists,” Chapter 182, “Practice of Optometrists,” and Chapter 183, “Discipline for Optometrists,” Iowa Administrative Code.

The proposed amendments update requirements for optometry licensure to be consistent with Iowa Code chapters 147 and 154 and remove outdated language.

Any interested person may make written comments on the proposed amendments no later than June 7, 2011, addressed to Judy Manning, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail judith.manning@idph.iowa.gov.

A public hearing will be held on June 7, 2011, from 8 to 8:30 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 21, 147, 154 and 272C.

The following amendments are proposed.

ITEM 1. Amend subrule 180.5(1) as follows:

180.5(1) The biennial license renewal period for a license to practice optometry shall begin on July 1 of an even-numbered year and end on June 30 two years later. ~~The board shall send a renewal notice by regular mail to each licensee at the address on record at least 60 days prior to the expiration of the license.~~ The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive ~~the notice from the board~~ does not relieve the licensee of the responsibility for renewing the license.

ITEM 2. Amend subrule 180.5(7) as follows:

180.5(7) Late renewal. The license shall become late when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in 645—subrule ~~184.1(3)~~ 5.12(3). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

ITEM 3. Amend subrule 180.11(2) as follows:

180.11(2) Pay the reactivation fee that is due as specified in ~~645—Chapter 184 rule 645—5.12(147,154)~~.

ITEM 4. Amend subparagraph **180.11(3)“a”(2)** as follows:

(2) Verification of completion of ~~30~~ 50 hours of continuing education ~~for a diagnostically certified optometrist or 50 hours for a therapeutically certified optometrist~~ within two years of application for reactivation unless the applicant provides proof of current CELMO certification. Proof of current CELMO certification satisfies continuing education requirements for the purpose of reactivation.

ITEM 5. Amend subparagraph **180.11(3)“b”(2)** as follows:

(2) Verification of completion of ~~60~~ 100 hours of continuing education ~~for a diagnostically certified optometrist or 100 hours for a therapeutically certified optometrist~~ within two years of application for reactivation unless the applicant provides proof of current CELMO certification. If the ~~therapeutically~~

certified optometrist applicant provides proof of current CELMO certification, the applicant must also verify completion of an additional 50 hours of continuing education within two years of application for reactivation.

ITEM 6. Amend subrule 181.2(1) as follows:

181.2(1) The biennial continuing education compliance period shall extend for a two-year period beginning on July 1 and ending on June 30 of each even-numbered year. Each biennium, each person who is licensed to practice as an optometrist in this state shall be required to complete a minimum of 50 hours of continuing education approved by the board.

~~a. Requirements for nontherapeutic licensees. Each biennium, each person who is licensed to practice as an optometrist in this state and who is not therapeutically certified shall be required to complete a minimum of 30 hours of continuing education approved by the board. Nontherapeutic licensees must comply with Iowa continuing education rules for license renewal and reactivation by meeting the continuing education requirements in the state of practice.~~

~~b. Requirements for therapeutic licensees. Each biennium, each person who is licensed to practice as a therapeutic licensee in this state shall be required to complete a minimum of 50 hours of continuing education approved by the board.~~

ITEM 7. Amend paragraph **181.3(2)“c”** as follows:

c. Required continuing education hours. ~~Beginning with the July 1, 2008, biennium, therapeutic licensees~~ Licensees shall provide proof of continuing education in the following areas:

(1) and (2) No change.

ITEM 8. Amend rule 645—182.1(154) as follows:

645—182.1(154) Code of ethics. The board hereby adopts by reference the Code of Ethics of the American Optometric Association as published by the American Optometric Association, 243 North Lindbergh Boulevard, St. Louis, Missouri 63141, ~~revised 1944~~ modified June 2007.

ITEM 9. Amend paragraph **182.3(2)“b”** as follows:

b. A practitioner choosing to issue an oral prescription shall furnish the same information required for the written prescription except for the written signature and address of the practitioner. An oral prescription may be released by an O.D. to any dispensing person who is a licensed professional with the O.D., M.D., D.O., or R.Ph. degree or a person under direct supervision of those licensed under Iowa Code chapter 148, ~~150, 150A, 154 or 155A~~.

ITEM 10. Amend subrule 182.4(1) as follows:

182.4(1) Written prescription drug orders shall contain:

a. to d. No change.

e. The name, address, and written signature of the practitioner issuing the prescription; and

~~f. The federal drug enforcement administration number, if required under Iowa Code chapter 124; and~~

~~g. The title “Therapeutically Certified Optometrist” following the name of the practitioner issuing the prescription.~~

ITEM 11. Amend subrule 183.2(11) as follows:

183.2(11) Conviction of a ~~felony~~ crime related to the profession or occupation of the licensee or the conviction of any ~~felony~~ crime that would affect the licensee’s ability to practice within the profession, regardless of whether the judgment of conviction or sentence was deferred. A copy of the record of conviction or plea of guilty shall be conclusive evidence.